

REMARKS/ARGUMENTS

This Amendment is intended to fully respond to the Office Action mailed May 7, 2004. In that Office Action, claims 1-21 were examined in the Office Action and all were rejected. More specifically, in that Office Action, claims 1, 5, 10, 11 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Launzel (USPN 4,179,733); claims 2-4, 12, 13 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Launzel et al. (USPN 4,179,733) in view of Martensson (USPN 5,241,683); claims 6 and 15 were rejected under § 103(a) as being unpatentable over Launzel et al. in view of Pearce et al. (USPN 5,617,572); claims 8 and 17 were rejected under § 103(a) as being unpatentable over Launzel in view of Keen (USPN 5,526,422); claims 7 and 16 were rejected under § 103(a) as being unpatentable over Launzel in view of Borgendale et al. (USPN 6,457,132); and claims 9 and 18 were rejected under § 103(a) as being unpatentable over Launzel in view of Pearce et al. and further in view of Borgendale et al.

In this response, claims 1, 10 and 11 have been amended. No claims have been canceled or added. Claims 1-21 are currently pending. Reconsideration of the outstanding rejections is respectfully requested in light of these amendments and remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 5, 10, 11 and 14

Claims 1, 5, 10, 11 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Launzel (USPN 4,179,733). The applicant respectfully transgresses the Examiner's rejection based upon Launzel, cited above. That is, with respect to the §102(b) rejection the cited reference does not identically disclose all of the limitations of the claimed invention. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

With respect to the current invention, as defined more clearly in the amended claims, the invention relates to locking user input elements from inadvertent input on a small computer device. As discussed in the specification, the small computer devices relate to hand held computers, such as PDAs, that are highly portable. Indeed, in the background section of the application, one problem discussed with the small computer devices is that these devices are often placed in brief cases, purses or tote bags such that the user input elements may be inadvertently depressed such that the small computer device may accidentally be activated. Such inadvertent actions cause a host of specific issues related to the small computer device, including loss of battery life, loss of data and/or accidental telephone charges. The present invention solves many of these problems by automatically locking the user input elements.

The Launzel reference relates to "a device which controls the access of users to a communication system. . ." (Launzel, Col. 1, Line 32). The purpose of the Launzel invention is to provide a means for "prevent[ing] the unauthorized use of the communication system unless and until an appropriate code sequence is entered." (Launzel, Col. 1, Line 8-11). The Launzel invention operates by limiting the number of combinations a person may try before an enforced period of waiting is applied. Further, the Launzel invention limits the window of opportunity for a person to enter the correct combination. Specifically, Launzel describes a system to prevent the unauthorized users from gaining access to a communication system. Launzel does not, however, describe the automatic locking of a small computer device.

Launzel discloses that the security system is useful for a mobile communication system such as CB radios but does not disclose that the system itself is mobile. Although the communication system may be mobile by a motor vehicle, it is not highly portable or easily mobile for a person carrying the communication system. Indeed, the systems contemplated by Launzel are not the handheld computer systems described in the present application, and the concept of preventing inadvertent input (as in the present application) is entirely different from preventing unauthorized access (as in Launzel). While a person may inadvertently enter an incorrect combination in the Launzel system, that person is knowingly attempting to gain accesses. The Launzel reference never mentions or suggests preventing inadvertent and unknown inputs into a microcomputer.

Accordingly, claims 1, 5, 10, 11 and 14 are not anticipated by Launzel. The invention cited in the reference and the instant invention are different; each address a different need. More specifically, since the Launzel reference does not show or describe, explicitly or inherently, the locking of user interface elements on a small computer system to prevent inadvertent entry of input signals, Launzel cannot anticipate these claims. Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, as the Examiner noted in the last Office Action, the previously presented claims did not include limitations to the small computer device. As these claims have been amended to recite limitations dependent on small computer device, it is believed that these claims are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 2-4, 12, 13 and 19-21

Claims 2-4, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Launzel et al. (USPN 4,179,733) in view of Martensson (USPN 5,241,683). These 103 rejections are maintained from the First Office Action mailed November 20, 2003. Applicant respectfully traverses these rejections of claims 2-4, 12 and 13 as neither Office Action establishes a prima facie case of obviousness in light of the references. A prima facie case of obviousness can only be established when all of the following requirements are met: (1) **there must be some suggestion or motivation in the references themselves to combine the references**; (2) there must be a reasonable expectation of success; and (3) the reference or combination of references must teach or suggest all the claim limitations. See MPEP §§ 706.02(j) and 2143.

Claims 2-4 depend from claim 1, while claims 12 and 13 depend from claim 11. These dependent claims further define the invention in terms of the process of unlocking the user input elements and/or providing a graphical user interface for the user.

First, as discussed above Launzel does not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device.

Second, as the Examiner has stated, Launzel does not show or describe the manual unlocking of the user interface elements.

As to the concept of automatically locking the user input elements, Martensson does not satisfy the inadequacies of Launzel. Martensson addresses and solves the problem of inadvertent inputs by disabling the keyboard by manually depressing a predefined series of user input elements, such as On/Off followed by the # key. (Martensson col. 5 lines 10-24). That is, Martensson does not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device.

Regarding manual unlocking of the user input elements, a prima facie case of obviousness has not been established since there is no suggestion, in the references, to combine Launzel and Martensson. In short, Martensson teaches the manual unlocking of user interface elements on a small computer device. However, there must be some teaching from the references to combine the references, and in this case, there simply is none. Launzel is only concerned with preventing the unauthorized access to a system, it does not contemplate preventing inadvertent access. Thus, the concept of providing a manual method of unlocking the keyboard in Launzel is contrary to Launzel's teaching. That is, since Launzel is only concerned with unauthorized access, a simple and known set of keystrokes characterized by their disparate locations on the keyboard and the timing of their selection has absolutely nothing to do with Launzel. Indeed, Launzel is so concerned with preventing unauthorized access that it locks the keyboard for five minutes if the proper password is not entered. This deterrent would be worthless if Launzel provided a manual method of unlocking the keyboard as suggested by the Examiner.

That is, the most recent Office Action asserts the motivation to combine the references "is that Martensson facilitates the manual unlocking of user input elements thus eliminating a predetermined wait period for the user input elements to become available for use." However, the predetermined wait period is one the primary features of Launzel. Thus Launzel in no way suggests the use of a manual unlocking method and in fact teaches away from such a combination. Arguing that a feature in one reference (manual unlocking in Martensson) facilitates the elimination of an aspect of another reference (wait period in Launzel) and implying the aspect (wait period) is unwanted

without support, amounts to the improper use of hindsight. As such, there is no motivation to combine the references. This concept is further highlighted by claims 19 and 20, which specifically recite providing instructions to the user as to how to unlock the user input elements. Such instructions are repugnant to the teachings and objectives of Launzel.

Thus, since the references, either alone or in combination do not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device, a prima facie case of obviousness has not been established. Moreover, since there must be some suggestion or motivation in the references themselves in order to establish a prima facie case of obviousness, and since there is no motivation or suggestion to combine Launzel and Martensson, particularly because Launzel teaches away from such a combination, Applicant asserts that claims 2- 4, 12 and 13 are not obvious over Launzel in view of Martensson. Applicant respectfully requests the Examiner to withdraw this rejection.

Claims 6 and 15

Claims 6 and 15 stand rejected under § 103(a) as being unpatentable over Launzel et al. in view Pearce et al. (USPN 5,617,572). Applicant respectfully traverses the rejections of claims 6 and 15 under 35 U.S.C. § 103(a) due to the failure of the Office Action to establish a prima facie case of obviousness in light of the combination of references.

Claims 6 and 15 depend from amended claims 1 and 11, respectively. Each further defines the invention as including an automatic sleep/shutoff mode.

As discussed above, the Launzel reference relates to a security system for preventing unauthorized access and does not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device. Moreover, as the Examiner has stated, Launzel does not automatically lock the input elements based on a predetermined time interval relating to a sleep mode time interval.

Pearce does not satisfy the inadequacies of Launzel. Namely, Pearce does not show or describe the automatic locking of user input elements following a predetermined

time interval. Pearce relates to automatically entering a reduced power consumption mode, not locking user input elements. Indeed, there is no motivation to combine the teachings of Launzel with Pearce in that that Pearce simply never locks the user input elements. There is no stated reason to use a sleep mode to automatically lock user input elements in either reference. As a result, not only does the combination of the references not teach or suggest all of the claimed limitations as required by 35 U.S.C. §103, but there is no suggestion from within the references to combine the references.

Thus, since the references, either alone or in combination do not show or describe the automatic locking of user input elements in response to a predetermined time interval, a prima facie case of obviousness has not been established. Moreover, since there must be some suggestion or motivation in the references themselves in order to establish a prima facie case of obviousness, and since there is no motivation or suggestion to combine Launzel and Pearce, Applicant asserts that claims 6 and 16 are not obvious over Launzel in view of Pearce. Applicant respectfully requests the Examiner to withdraw this rejection.

Claims 8 and 17

Claims 8 and 17 stand rejected under § 103(a) as being unpatentable over Launzel in view of Keen (USPN 5,526,422). Applicant respectfully traverses the rejections of claims 8 and 17 under 35 U.S.C. § 103(a) due to the failure of the Office Action to establish a prima facie case of obviousness in light of the combination of references. Claims 8 and 17 specifically relate to the use of touch screen on the small computer device.

As discussed above, the Launzel reference relates to a security system for preventing unauthorized access and fails to teach or suggest all the claim limitations, e.g., automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device.

Keen solves inadvertent signals during cleaning by means of a "clean screen" button that when pressed tells the possessor to ignore all input signals. Keen requires the user to manually tell the screen to ignore all inputs. (Keen col. 5, line 45-53). Prior to

the actions of the user, the screen "is in an active screen mode." (Keen col. 5, line 20-21). The only interpretation is having a touch screen automatically turn off is undesirable. Keen does not teach automatic locking since automatic locking would prevent users from using the touch screen. In Keen, locking is only desirable when the screen is told to lock. Therefore, Keen teaches away from an automatically locking screen in much the same way that Martensson does with respect to input buttons on the small computer device.

Since Keen teaches that the screen is active before the user takes the action and does not automatically lock, Applicant respectfully asserts that claims 8 and 17 are not obvious over Launzel in view of Keen. Applicant respectfully requests the Examiner to withdraw this rejection.

Assuming *arguendo* that Keen does teach to automatic locking, the prima facie case of obvious has not been made because there is no motivation to combine the references of Launzel and Keen. Keen's locking mechanism is designed to prevent unwanted inputs from a touch screen, for example during cleaning. The Launzel lock is designed to prevent unauthorized access to a communication system. Keen does not consider locking input elements to prevent unauthorized entries since the Keen invention is for use with public touch screens such as a telephone. In fact, locking entries is abhorrent to Keen, since the touch screens in Keen deal with consumer oriented applications, such as a telephone, where it is undesirable to lock out the consumer. Launzel and Keen solve very different problems. The solution of Launzel is contrary to the desires of Keen there is no motivation to combine the reference. Applicant therefore further requests the Examiner to withdraw this rejection in light of the failure to provide motivation to combine the references.

Claims 7 and 16

Claims 7 and 16 stand rejected under § 103(a) as being unpatentable over Launzel in view of Borgendale et al. (USPN 6,457,132). Applicant respectfully traverses the rejections of claims 7 and 16 as the Office Action fails to establish a prima facie case of obviousness in light of the reference. As discussed above, a prima facie case of

obviousness can only be established when all of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves to combine the references; (2) there must be a reasonable expectation of success; and (3) the reference or combination of references must teach or suggest all the claim limitations. See MPEP §§ 706.02(j) and 2143.

As defined more clearly in the claims, claims 7 and 16 relate to the use of calendar type application to create or cause the internally generated lock signal. As a result, the calendar may be set to identify periods of time that the small computer device may be in a purse or brief case and therefore should be placed in the locked mode.

As discussed above, the Launzel reference relates to a security system for preventing unauthorized access and fails to teach or suggest all the claim limitations, e.g., automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device. Launzel does not show or describe a calendar system, nor does it provide any motivation or suggestion to incorporate such a calendar system to prevent inadvertent input signals. Indeed, since Launzel is only concerned with locking out unauthorized persons, there is no motivation to combine Launzel with any reference concerned with inadvertent input signals.

Borgendale does not satisfy the inadequacies of Launzel. Borgendale describes a system that manages power using an event calendar. However, Borgendale does not describe a system that automatically locks user input elements in order to prevent inadvertent inputs on a small computer device.

Thus, since the references, either alone or in combination do not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device, a prima facie case of obviousness has not been established. Consequently, reconsideration of the outstanding rejection is respectfully requested.

Further, under Launzel it does not make sense to create a security system that will lock or unlock at scheduled times because it would allow unauthorized users access to the system on a predetermined schedule. There is no motivation to combine the security system of Launzel and the calendar power management system of Borgendale. The Applicant therefore further urges reconsideration of this rejection based on this additional rationale.

Claims 9 and 18

Claims 9 and 18 stand rejected under § 103(a) as being unpatentable over Launzel in view of Pearce et al. and further in view of Borgendale et al. Claims 9 and 18 stand rejected under § 103(a) as being unpatentable over Launzel in view of Pearce and further in view of Borgendale et al. Applicant respectfully traverses the rejections of claims 9 and 18 as the Office Action fails to establish a prima facie case of obviousness in light of the reference. Claims 9 and 18 relate to the automatic display of reminders, while the user input elements remain locked.

As discussed in detail above, neither the Launzel, the Borgendale or the Pearce references, alone or in combination show or describe all the claimed limitations of claims. In particular, none of these references show or describe a user interface that displays reminders from a calendar based application, while the user input elements remain locked. There is no motivation to combine a security system of Launzel with a calendar of Borgendale, which unlocks a security system, allowing the unauthorized users in, that it was designed to lock out. Further Pearce deals only with the automatic entry into power saving mode. The three cited references do not show or describe the claimed limitations relating to displaying reminders while maintaining the user input elements in locked mode. Consequently, there is no motivation to combine the references nor is there any expectation of success. See MPEP §§ 706.02(j) and 2143.

Thus, since the references, either alone or in combination do not show or describe the automatic locking of user input elements in order to prevent inadvertent inputs on a small computer device, since there is no motivation to combine the references and since there is no expectation of success, a prima facie case of obviousness has not been established. Consequently, reconsideration of the outstanding rejection is respectfully requested.

Conclusion

Prior to the present Amendment and Response, the present application included 21 claims, 3 of which were independent. As amended, the present application includes

21 claims, 3 of which are independent. Accordingly, it is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: _____

9/7/09



A handwritten signature in black ink, appearing to read "T-B Scull". The signature is written over a horizontal line.

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